

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CHRISTOPHER R. DESMOND

Petitioner,

v.

CV. A. No. # 14-1365-LPS

SUPERIOR COURT OF THE STATE
OF DELAWARE; Delaware Attorney
General, et al. Respondents,

MOTION FOR EXPANSION OF THE RECORD

PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 7

The petitioner Christopher R. Desmond, respectfully submits the enclosed US v. Vaughn, No. 16-3138 Brief of Appellant for the court to review as guidance for granting petitioner be returned to his pretrial status of JAN. 15, 1992 if respondents cannot produce a record according to their (superior court criminal case management plan regarding pleas). It's without question Desmond was entitled to counsel to communicate the 20 year plea even the Government brief in (Vaughn filed March 20, 2017) in the Government's brief at *16- at *19 "Defense counsel do have a duty to communicate to their client that the government has offered a plea". Missouri V. Frye, 566 U.S. 134, 145 (2012), like Vaughn, the state court failed to perform a hearing on the (Superior Court criminal case management plan) requiring Desmond "reject the plea with the assistance of counsel on the record".

It's not a discretionary duty to provide Desmond with counsel and make a record he had counsel on JAN. 15, 1992 and rejected the plea. There is no record from the Superior Court or State of Delaware with any contradicting averments that Desmond had counsel and rejected any plea on JAN. 15, 1992. The state cannot provide any in-court declarations that are contrary to Desmond's assertions that he had no counsel to communicate the JAN. 15, 1992 20 year plea. The record conclusively demonstrates the state of Delaware denied Desmond counsel in violation of his Sixth Amendment Right under the Constitution, Requiring he be placed back into the position he held on JAN. 15, 1992 without the record.

The Petitioner respectfully moves to expand the record under Vaughn and moves the court Vacate its prior order and require the Superior court to produce a record showing Desmond had counsel and rejected the plea.

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Date: April 9, 2016

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